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Terrorism Convictions Monitor

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Issue 6



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I. Introduction

Why a Terrorism Convictions Monitor

The Terrorism Convictions Monitor (TCM) is intended to provide a regular overview of the terrorism-related developments throughout the EU area. The Monitor has been developed on the basis of the **open sources information** available to the CMT and methodologies such as individual case studies and comparative analysis. There is a link provided to each of the convictions and acquittals found on the EUROJUST Intranet External News and/or the Internet. In general, the TCM does not include the information exclusively provided to Eurojust by the national authorities of the EU Member States by virtue of Council Decision 671/JHA/2005 (CD 671).

Issue 6 of the TCM covers the period **September-December 2009**.

The general objective of the TCM is to inform and kindly invite the National Members to review and confirm the information retrieved from various open sources. The information in the current issue has already been used in the drafting of Eurojust's Contribution to the EU Terrorism Situation and Threat Report 2010. Therefore, **the TCM 6 is distributed only for information and there is no further need to verify and confirm the data**. Section II. 4. of the TCM includes some data from the EUROJUST contribution to the TE-SAT 2010 (dated 23 February 2010).

National correspondents on terrorism are still encouraged to provide CD671 information for 2010 on an ongoing basis to Eurojust.

II. Terrorism Convictions Overview

1. Terrorism Convictions/Acquittals by Member State September-December 2009



France

October 2009

The Paris Special Court of Assizes sentenced ██████ on appeal to life imprisonment, with a maximum of 22 years to be served, for his part in three attacks in Paris in 1995 which left eight dead and hundreds injured. In 1993 ██████ had been sentenced to death in absentia in Algiers after a bomb attack on the city's airport left nine dead. He had been arrested in London in 1995 in connection to the attacks in France but had been granted political asylum after claiming France might send him to Algeria. ██████ had been extradited to France in 2005 after a long procedural battle. In 2007, French anti-terrorist judges had ruled he was a leading member of the **Armed Islamic Group (GIA)**, which had carried out at least three attacks on the French capital's Metro stations. The evidence presented to the Special Court of Assizes included a London bank payment slip, which had ██████'s signature and finger prints and had been used to fund the 1995 attacks. The Special Court of Assizes confirmed the sentence sought by the prosecutor and handed down by a lower court in 2007. According to defence lawyers, ██████ would attempt a third trial at the Court of Cassation.

Source: [Daily Mail](#), [External News Intranet](#)

November 2009

The Paris Magistrate's Court found 21 members of the Tamil Tigers guilty of extortion, targeting the diaspora in France to fund operations in Sri Lanka. Sentences of up to 7 years' imprisonment were handed down. The heaviest sentence of 7 years was given to the official of the Liberation Tigers of Tamil Eelam in France (**LTTE**), ██████ for extorting €5 million as taxes from the Tamil community living in Paris and other surrounding areas in order to finance the LTTE terrorist activities in Sri Lanka. He was the only defendant who appeared on remand. Two of the other defendants were sentenced to 4 years' imprisonment and one to 6 years. They were ordered to serve the sentences upon conclusion of the hearing. The other sentences ranged between 3,5 years' imprisonment and 6 months suspended. One person was acquitted. Most of the defendants were arrested in April 2007 and charged with criminal conspiracy to commit acts of terrorism, financing of terrorism or racketeering to finance terrorism. According to the prosecutor, this was the first time that suspected members of the Tamil Tigers were being prosecuted in France for "funding terrorism" in Sri Lanka. The court ordered also the dissolution of the **Tamil Coordinating Committee in France (CCTF)**, viewed as the "legal arm" of the LTTE. The Committee was prosecuted as a body corporate (*for more information, please see V. Judicial Analysis on Selected Cases*).

Source: [Colombo Page](#), [External News Intranet](#)

December 2009

The Paris Criminal Court found the Canadian citizen ██████ guilty of criminal conspiracy in connection with a terrorist venture and of complicity to possess forged administrative documents. He was sentenced to 4 years' imprisonment and was remanded in custody. In 2001 ██████ who is of Moroccan origin, had been sentenced in absentia in France to 5 years in prison for drawing up forged documents and for criminal conspiracy. He had been arrested six months later in Toronto but had been conditionally released a month later. In January 2007 the Ontario Superior Court of Justice authorized his extradition to France which took place in June 2009. ██████ is believed to have connections with the "Roubaix gang" which carried out armed robberies and an attempted attack in Lille in 1996.

Source: [Radio Canada](#), [External News Intranet](#).

The Paris Special Court of Assizes found ██████ and ██████ guilty of having knowingly participated in a terrorist group. They were also convicted of a car theft and possession of forged papers and fake registration plates, all in connection with a group with the goal of disturbing public order by means of intimidation and terror. The couple claimed to belong to **ETA**. According to the prosecution, at the time of their arrest they belonged to ETA's logistic apparatus that made ignition systems for the explosive devices used in terrorist actions carried out in Spain. The Court sentenced the two to 12 years' imprisonment each, with a minimum of two-thirds to be served. It also ordered a final ban from French soil for both convicted. ██████ and ██████ were given 10 days to appeal.

Source: [Le Figaro](#), [External News Intranet](#).



Germany

October 2009

The Frankfurt State Court found two men guilty of supporting the **Islamic Jihad Union** (a militant terrorist organisation linked to the jihadist Islamic Movement of Uzbekistan which is connected to Al-Qaida) in its efforts to blow up US bases in Germany. The men confessed to have assisted, but denied to have been members of the militant organisation. One of them, the Afghan-born German citizen ██████ was sentenced to 2 years and 9 months' imprisonment. He was convicted of procuring equipment like infra-red sights, night-vision goggles, and a telescopic sight for the IJU. He handed over the equipment, together with around €400 and a weapon, when he visited an IJU terror training camp on the border between Afghanistan and Pakistan.

The other defendant, the Turkish national ██████ was sentenced to 1 year and 2 months. He had planned to take binoculars and a telescopic sight purchased in Germany to the training camp, but he was intercepted by Pakistani security forces before he could hand them over.

██████ and ██████ had left their bank cards to a member of the IJU who is currently standing trial for planning terrorist attacks in Germany as part of the so-called "Sauerland Group". The man had withdrawn €500 from with ██████' card. As the money was welfare benefit paid out by the German government, ██████ was also convicted of defrauding the state. No money had been taken from ██████'s bank account.

Source: [Deutsche Welle](#), [External News Intranet](#)



Greece

December 2009

An appeals court in Greece cleared three suspected members of the far-left terrorist group, **Revolutionary Popular Struggle (ELA)** because of insufficient evidence. In 2004 [REDACTED] and [REDACTED] had been sentenced to 25 years' imprisonment. A fourth suspect passed away of cancer during the 13-month appeal. The Revolutionary Popular Struggle is blamed for two murders and a number of murder attempts and bombings between 1975 and 1995, including numerous attacks against American targets.

Source: [The Associated Press](#), [External News Intranet](#)



Republic of Ireland

October 2009

The Special Criminal Court convicted [REDACTED] of **INLA** membership, a charge to which he had pleaded not guilty in December 2007. He was arrested together with another man when a car in which he was a passenger tried to drive through a Garda roadblock in Dundalk. The boot of the car contained two bags with Garda uniforms, two bulletproof jackets and two black bomber jackets, emblazoned with an assault rifle logo and "Republican Socialist Movement Dundalk" on the back. An extendable baton was found in the driver's side of the car. Later, the police found an Irish Army bulletproof vest, a steel metal plate and a number of empty mobile phone boxes in the defendant's home. In November 2009 he was sentenced to 5 years' imprisonment.

Source: [Irish Times](#), [External News Intranet](#)

November 2009

The Dublin Circuit Criminal Court found [REDACTED] guilty of possessing a Glock semi automatic pistol and ammunition in suspicious circumstances; possession of a firearm and ammunition without a certificate at Greenfort Crescent on 4 October 2005 and obstructing a garda who attempted to fingerprint him. The man pleaded not guilty to the charges and to another count of producing a firearm for the purpose of resisting arrest. The jury had yet to make its decision on this further count.

Source: [Ireland On-line](#), [External News Intranet](#)



Italy

October 2009

The Court of Assizes of Perugia found the former imam of the mosque of Ponte Felchino, [REDACTED] guilty of recruiting and training militant jihadists willing to commit acts of terrorism. He was sentenced to 6 years' imprisonment. According to the information, the mosque of Ponte Felchino, a village on the outskirts of Perugia, had become the basis of the "League of Arab immigrants and Muslims". The Court sentenced also [REDACTED] to 4 years in jail and [REDACTED] to 3,5 years.

Source: [Il Giornale](#), [External News Intranet](#)



Spain

October 2009

The Supreme Court reduced the sentence of two members of **GRAPO** from 30 to 22 years' imprisonment as it considered the sentence not well motivated. [REDACTED] and [REDACTED] had been convicted by the Audiencia Nacional in November 2008 for attacking the director of a bank branch in Castellón in an attempt to rob the bank in 2006. They had received sentences of 11 years each for an attack resulting in an illegal detention, 3 years for an attempt for robbery with a terrorist purpose and 16 years for an attack resulting in attempted death.

Source: [ABC](#), [External News Intranet](#)

The Supreme Court rejected the appeal of twenty members of **Gestoras pro Amnistía** and **Askatasuna** and confirmed the sentences imposed by the Audiencia Nacional. Earlier, the Audiencia Nacional had handed over 10-year sentences to [REDACTED] and [REDACTED] for membership in a terrorist organisation. [REDACTED] was acquitted by the Supreme Court. The other defendants, [REDACTED]

[REDACTED] had been sentenced to 8 years' imprisonment by the Audiencia Nacional for the same offence – membership in a terrorist organisation. In the same judgment Gestoras pro amnistía and Askatasuna were declared illegal because of their links with ETA.

Source: [External News Intranet](#)

The Spanish Court convicted eight members of the illegal organisation **Segi** of belonging to the Basque armed group ETA and sentenced them to 6 years' imprisonment each. [REDACTED]

[REDACTED] had been accused of being part of a violent group operating in Markina-Xemein, a municipality of the Lea-Artibai area in Biscay, at least for two years.

Source: [EITB](#), [External News Intranet](#)



Sweden

November 2009

The Court of Appeals acquitted a man charged with having collected funds for aid organisations linked to the Palestinian **Hamas** movement. In February the Malmo District Court acquitted him of violating two laws aimed at preventing the support to terrorist organisations: the Finance Law and the Law on International Sanctions. According to the prosecutor, the man and his al-Algsa organisation had sent millions of Swedish kronas to Palestinian aid organisations that are entirely or partly under the control of Hamas. According to the defendant the recipient organisations are independent and have no religious or political affiliation. In the Appeals Court, the prosecutor reduced the charge to simply violation of the Sanctions Law and presented supplemental evidence. The Appeals Court however acquitted the man on largely the same grounds as the District Court.

Source: [External News Intranet](#)



United Kingdom

September 2009

The Woolwich Crown Court convicted [REDACTED] of conspiring to activate bombs disguised as drinks. They were found guilty of plotting to kill thousands of people by blowing up planes flying from London to America with home-made liquid bombs. Two of the men, [REDACTED] had previously been found guilty of a conspiracy to murder involving liquid bombs. The men had prepared a home-made mixture of chemicals in a flat in north-east London. They intended to take the mixture onto planes in sports drinks bottles stored within hand luggage. Unlike the jury in the present trial, the one in the first trial could not decide whether their plans extended to detonating the devices on planes. [REDACTED] were sentenced to life imprisonment, with a minimum to serve of 40, 32 and 36 years respectively. Another defendant, [REDACTED] was convicted of conspiracy to murder, but the jury failed to reach a verdict on whether he was involved in a plot to blow up aircraft. He was sentenced to life in prison, with a minimum term of 22 years. The Court found [REDACTED] not guilty of plotting to bomb aircraft. The jury failed to reach verdicts on a more general conspiracy to murder charges against the three defendants. The Crown Prosecution Service had still to decide whether to try the men for a third time. Another defendant, [REDACTED] was cleared of all charges. The plot prompted the restrictions on liquids on airplanes. It became the biggest terror investigation in the UK and intelligence officers believe it was directed by Al-Qaida figures in Pakistan. Security officials on both sides of the Atlantic believe the men wanted to kill thousands in the air and possibly more on the ground in a wave of attacks causing more devastation, and political fall-out, than the 11 September attacks (*for more information, please see V. Judicial Analysis on Selected Cases*).

Source: [BBC](#), [The Guardian](#)

November 2009

The Manchester Crown Court sentenced [REDACTED] to 2 years' imprisonment after she pleaded guilty to two offences of possessing documents likely to be useful for a terrorist. The woman admitted she had concealed a USB stick with "a mini-encyclopaedia of weapons making" in the sleeve of her burkha. The stick contained more than 7 000 files, including an explosives manual. Some of the files had up to 900 pages. According to the judge [REDACTED] had "an obsessive interest in jihad and the more extreme forms of Islam". She was freed as she had served her time on remand.

Source: [The Mirror](#).

December 2009

The Woolwich Crown Court convicted [REDACTED] of conspiracy to murder and sentenced him to life imprisonment with a minimum of 18 years to be served. [REDACTED] took part in a plot to blow up trans-Atlantic airliners using liquid explosives in August 2006. The ringleader of the plot, [REDACTED] and several other accomplices were already jailed earlier in the year. [REDACTED] had researched chemicals that could be used to make bombs and his fingerprints had been found on items in the plotters' bomb factory in east London. He had also travelled to Pakistan together with the ringleader. Another co-defendant, [REDACTED] was

convicted of engaging in conduct in preparation of terrorist acts and of possessing several items for use in terrorism and was handed over an 8-year sentence. A third one, [REDACTED] was found guilty of possessing a CD likely to be useful to a person committing or preparing an act of terrorism and was given a 15-month prison sentence.

Source: [Reuters](#), [External News Intranet](#)

2. Other Judgments of Interest

September-December 2009



EU

The Court of First Instance of the European Communities ruled in a judgment, delivered on 2 September 2009 (joined cases T-37/07 and T-323/07), that freezing the funds of an individual suspected of terrorism does not necessarily constitute a breach of his/her right of defence. The Court stated that in this instance, the Council of Ministers of the European Union had restricted the freeze to as short a time as necessary. A Moroccan national went to the Court after the Council had frozen his funds during the period when his name was on the Community list of persons and groups associated with terrorism. This listing was carried out after he was convicted by a court in Rotterdam in 2006 of participating in a criminal organisation with terrorist aims (the so-called "Hofstad Group"). The Dutch court's ruling was overturned two years later, in 2008. The Council reacted by removing the person's name from the Community list, thereby lifting the freeze on his funds. He, however, felt that he had been injured by the freezing order, which in his view should not have been imposed until after the decision of the appeal court was known.

According to the Court of First Instance, as soon as a judgment is delivered by a national court competent to deal with cases involving terrorism, the person (or group) involved should be included on the Community list under the terms of Council regulation (EC) No 2580/2001, even when an appeal may be lodged or is under way. The freezing of funds which follows automatically is, the Court says, an "interim" measure and is not a "confiscation of assets which are the proceeds of crime". It is, therefore, not a sanction. The steps taken to limit the effect of the freezing in time support this view, the Court ruling says. The ruling also says that the freezing of funds is a key tool in the fight against terrorism. The two parties had two months to bring an appeal against the Court ruling.

Source: [Agence Europe](#), 4 September 2009, [External News Intranet](#).



Council of Europe

In a [press release](#), dated 15 December 2009, the European Court of Human Rights (ECHR) in Strasbourg announced its decision to reject the requests for referral under Article 43¹ in 66 cases among which was the cases of [REDACTED] and [REDACTED] v. Spain. The latter concern the dissolution of the political parties [REDACTED] and [REDACTED]. As a result, in conformity with Article 44 § 2 (c) of the European Convention on Human Rights, the [Chamber judgment](#) of 30 June 2009 on that case (application nos. 25803/04 and 25817/04) has become final.

¹ Under Article 43 of the Convention, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

According to the principal facts stated in the judgment, following the enactment of organic law 6/2002 on political parties ("the LOPP"), which introduced innovations on the organisation, functioning, activities, dissolution or judicial suspension of political parties, by a decision of 26 August 2002, central investigating judge no. 5 at the Audiencia Nacional suspended the activities of Batasuna and ordered the closure, for three years, of any offices and premises that [REDACTED] and [REDACTED] might use. On 2 September 2002, the State Counsel brought proceedings before the Supreme Court seeking the dissolution of the two parties, on the ground that they had breached the LOPP by a series of activities that irrefutably amounted to conduct that was incompatible with democracy, prejudicial to constitutional values, democracy and human rights and contrary to the principles laid down in the explanatory memorandum to the LOPP. The Public Prosecutor's Office also brought proceedings before the Supreme Court seeking the dissolution of the political parties in question, in accordance with section 10 et seq. of the LOPP. On 10 March 2003 [REDACTED] requested that a preliminary question on the constitutionality of the LOPP be submitted to the Constitutional Court, claiming that certain sections of the LOPP violated the rights to freedom of association, freedom of expression, freedom of thought, and the principles of lawfulness, judicial certainty, the non-retrospective nature of less favourable criminal laws, proportionality and *non bis in idem*, and also the right to participate in public affairs. By a unanimous judgment of 27 March 2003, the Supreme Court dismissed this request, noting that the objections raised concerning the constitutionality of the LOPP had already been examined and dismissed in a judgment delivered by the Constitutional Court on 12 March 2003. The Supreme Court declared the parties [REDACTED] and [REDACTED] illegal, ordered their dissolution and liquidated their assets. Later, on 16 January 2004, by two unanimous judgments the Constitutional Court dismissed the *amparo* appeals lodged by the applicants.

On 19 July 2004 the application was lodged with the ECHR and it was declared partly admissible on 11 December 2007. According to the applicants, their dissolution had entailed a violation of their right to freedom of association; the LOPP was not accessible or foreseeable, it was applied retrospectively and had no legitimate aim; they also considered that the measure imposed on them could not be considered necessary in a democratic society and compatible with the principle of proportionality.

The ECHR considered that the dissolution of the applicant parties amounted to an interference in the exercise of their right to freedom of association, that it was "prescribed by law" and pursued "a legitimate aim" within the meaning of Article 11 of the Convention. The ECHR considered also that the dissolution corresponded to a "pressing social need". It considered that, in the present case, the national courts had arrived at reasonable conclusions after a detailed study of the evidence before them, which had allowed them to conclude that there was a link between the applicant parties and ETA. Those links could objectively be considered as a threat for democracy. In the ECHR's opinion, the Supreme Court's findings had to be placed in the context of an international wish to condemn the public defence of terrorism. In consequence, the ECHR considered that the acts and speeches imputable to the applicant political parties, taken together, created a clear image of the social model that was envisaged and advocated by the parties, which was in contradiction with the concept of a "democratic society". The fact that the applicants' projects were in contradiction with the concept of "a democratic society" and entailed a considerable

threat to Spanish democracy led the ECHR to conclude that the sanction imposed on the applicants had been proportional to the legitimate aim pursued, within the meaning of Article 11 § 2 of the Convention. The ECH ruled unanimously that there had been no violation of Article 11 of the Convention. The ECHR further considered it not necessary to examine separately the questions raised by the applicants under Article 10 as they concerned the same facts as those examined under Article 11 of the Convention.

Source: [*The European Court of Human Rights*](#).

3. Comparative Analysis

Terrorism Convictions September-December 2009

Member States with convictions/ acquittals

Terrorism related trials in several EU Member States have resulted in convictions/acquittals in the period September-December 2009 (*please see map below*).

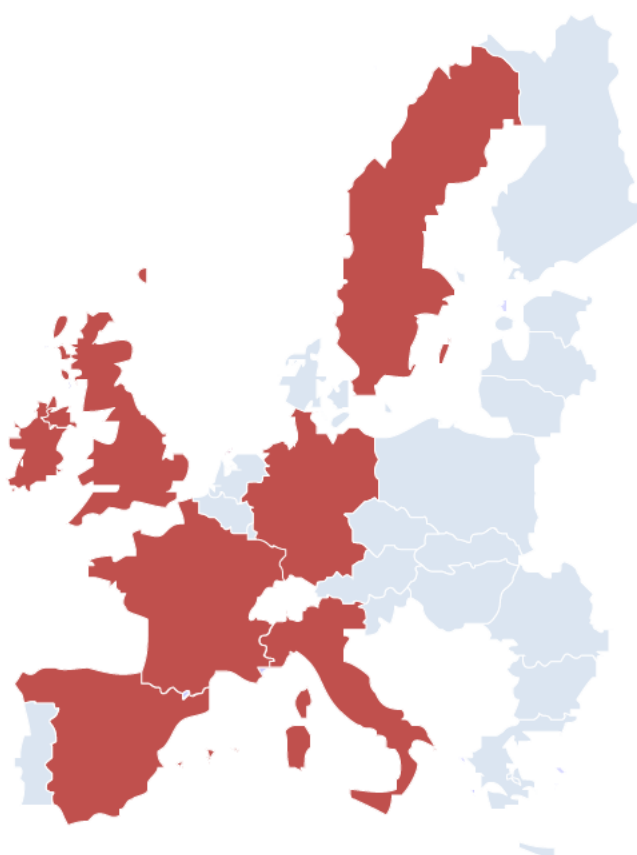


Figure 1 EU Member States with terrorism convictions/acquittals in the period September-December 2009

- Member States with terrorism-related convictions/acquittals
- Member States without terrorism-related convictions/acquittals

Based on the information available in the open sources, several comparative charts have been drawn to illustrate some facts of particular interest:

Number of convictions/acquittals per Member State

COUNTRY	CONVICTED	ACQUITTED	TOTAL	ACQUITTED (%)
France	26	1	27	4%
Germany	2	0	2	0%
Ireland	2	0	2	0%
Italy	3	0	3	0%
Spain	30	1	31	3%
Sweden	0	1	1	100%
UK	11	1	12	8%
TOTAL	74	4	78	5%

Figure 2 Number of convictions/acquittals per Member State

The chart contains the information, available in the open sources, regarding the number of convictions/acquittals per Member State over the period September-December 2009.

Length of sentences

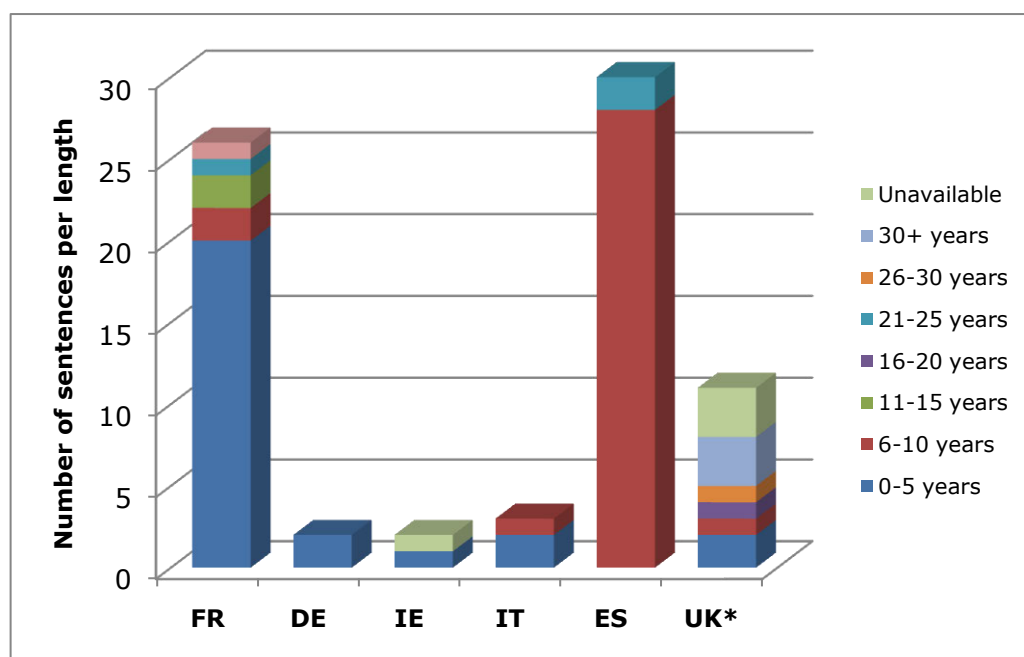


Figure 3 Length of sentences per Member State

The chart illustrates the information, available in the open sources, regarding the length of terrorism related sentences per Member State over the period September-December 2009.

*The chart includes 3 hung verdicts in the United Kingdom, classified as "Unavailable".

Affiliation of convicted individuals

Organisation	No. of convicted members/linked
ETA (or ETA related)	30
LTTE	22
GRAPO	2
Islamic Jihad Union	2
INLA	1
Armed Islamic Group (GIA)	1
Non-affiliated/Unavailable	16
Total	74

Figure 4 Affiliation of convicted individuals

The chart illustrates the information, available in the open sources, regarding the affiliation of convicted individuals, in cases when it was expressly stated, over the period September-December 2009.

Age of convicted individuals

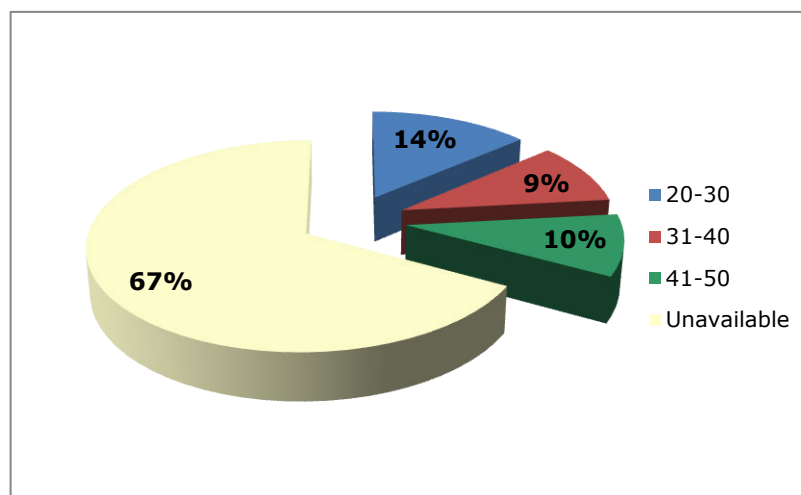


Figure 5 Age of convicted individuals

The chart illustrates the information, available in the open sources, regarding the age of convicted individuals in the EU Member States over the period September-December 2009.

Gender of convicted individuals

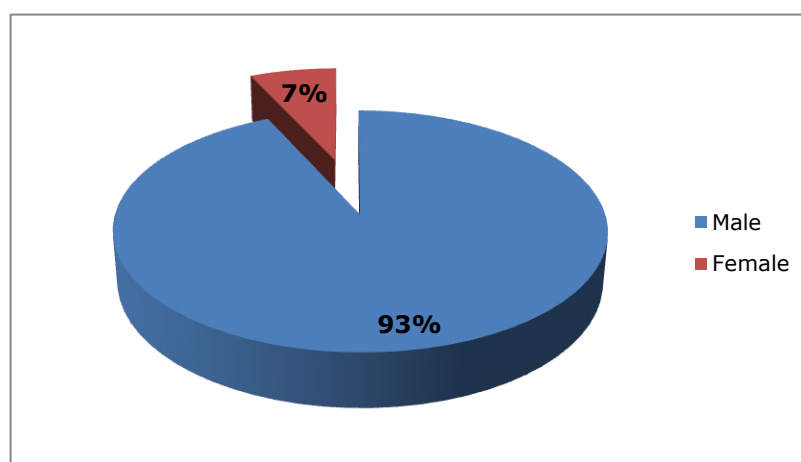


Figure 6 Gender of convicted individuals

The chart illustrates the information, available in the open sources, regarding the gender of convicted individuals in the EU Member States over the period September-December 2009.

4. The Year 2009 in Numbers

As mentioned in the introduction, the data from the TCM has been included in the EUROJUST contribution to Europol's EU Terrorism Situation and Trend Report TE-SAT 2010. Some of the data and figures are presented below².

- In 2009 there was an increase in the number of individuals prosecuted for terrorism offences in comparison with 2008. Whilst in 2008, 359 individuals were tried in 10 EU Member States, in 2009, 393 individuals were brought to stand trial in 11 Member States. Of these, 44 were women. As several individuals were tried 2 or 3 times for different terrorism offences, and one organisation was also on trial, the total number of terrorism verdicts in 2009 amounts to 410.





MEMBER STATE	2007	2008	2009
AUSTRIA	0	0	2
BELGIUM	5	12	0
DENMARK	11	16	9
FRANCE	54	75	76
GERMANY	7	10	7
GREECE	17	0	3
IRELAND	6	9	15
ITALY	47	25	24
NETHERLANDS	8	12	2
SPAIN	231	141	217
SWEDEN	0	1	1
			
Total	419	360	393

Figure 7 Number of individuals tried in 2009 for terrorism charges per Member State

- In 2009 there have been more successful prosecutions leading to convictions. The acquittal rate has gone down from 23% in 2008 to 18% in 2009.






MEMBER STATE	CONVICTED	ACQUITTED	TOTAL	ACQUITTED %
AUSTRIA	2		2	0
DENMARK	8	1	9	11%
FRANCE	71	6	77	8%
GERMANY	7		7	0%
GREECE		3	3	100%
IRELAND	15		15	0%
ITALY	20	4	24	17%
NETHERLANDS	2		2	0%
SPAIN	182	51	233	22%
SWEDEN		1	1	100%
				
Total	337	73	410	18%

Figure 8 Number of verdicts, convictions and acquittals in 2009 per Member State

² The data includes information provided to EUROJUST till 23 February 2010.

- The majority of the individuals were convicted of offences related to separatist terrorism (266 in 2009 v. 155 in 2008), in contrast to 2008 when the majority of verdicts related to Islamist terrorism (89 in 2009 v. 190 in 2008).








MEMBER STATE	Islamist	Left-wing	Right-wing	Separatist	Other	Total
AUSTRIA	2					2
DENMARK	3				6	9
FRANCE	18			59		77
GERMANY	3	3		1		7
GREECE		3				3
IRELAND				15		15
ITALY	3	21				24
NETHERLANDS	2					2
SPAIN	25	15	3	188	2	233
SWEDEN	1					1
						
Total	89	42	4	266	9	410

Figure 9 Number of verdicts for terrorism charges in 2009 per Member State and per affiliation

- The average penalty imposed in Europe has gone down from 10 years in 2008 to 8 years in 2009.



MEMBER STATES	AVERAGE YEARS
AUSTRIA	3
DENMARK	3
FRANCE	6
GERMANY	4
IRELAND	5
ITALY	8
NETHERLANDS	≤1
SPAIN	10
	

Figure 10 Average penalty imposed for terrorism offences in 2009 per Member State

5. Case Study

Recruitment for terrorism – legislation amendments and the judicial response 2008-2009

Introduction

*The present overview is based on the deliberate selection of the topic, **Recruitment for terrorism – legislation amendments and the judicial response 2008-2009**, as recruitment for terrorism has emerged as a problem of considerable importance and is of a particular interest from an analytical point of view.*

The present study focuses on the legislation amendments and the judicial response to terrorism-related offences and in particular the recruitment for terrorism. It includes information available from open sources regarding relevant convictions or acquittals in the EU Member States³. With a view to recent increased political and expert focus as well as legislation amendments regarding the recruitment for terrorism, the overview, that follows, covers the period 2008-2009.

Legislation amendments 2008-2009

The overview below includes available open sources information as well as information provided by the National Desks at EUROJUST regarding amendments in their national legislation reported as part of EUROJUST'S contributions, in 2009 and 2010, to Europol's EU Terrorism Situation and Trend Report.

April 2008



Consensus reached by the EU Ministers of Justice on the text of the proposal to amend the 2002 Council Framework Decision on combating terrorism. The proposal introduces new criminal offences into EU law: public incitement to commit terrorist acts, **recruiting for terrorism** and training for terrorism.

Source: [External News Intranet](#)

September 2008



Approval by the European Parliament of tougher EU-wide penal measures aimed at fighting terrorism and identifying public incitement to commit terrorist acts, **recruitment for terrorism**, and terrorist training as crimes. It is, however, a consultation procedure, since security is a matter for EU Member States' governments to decide.

Source: [Euronews](#), [External News Intranet](#)

November 2008



Council Framework Decision 2008/919/JHA amending Article 3 *Offences linked to terrorist activities* (including **recruitment for terrorism**) and Article 4 *Aiding or*

³ Please note that the topic of recruitment has already partially been analysed in the case study "The EU Approach to Radicalisation" in the TCM, Issue 4.

abetting, inciting and attempting of Framework Decision 2002/475/JHA on combating terrorism.

Source: [Official Journal of the EU](#), [External News Intranet](#)

May 2008



Four significant amendments related to terrorist crimes came into force on 1 May 2008 in Finland concerning:

1. Public incitement to terrorist offences;
2. Providing training for a terrorist group;
3. Promoting the activity of a terrorist group;
4. **Recruiting persons for terrorist offences**⁴.

2008



The Swedish government has, during 2008, put forward a proposal to the Swedish Parliament that Sweden would approve the changes in the European Framework Decision of 13 June 2002 on combating terrorism. This means that Sweden in the future has to criminalise public exhortation of terrorism, **recruiting for the purpose of terrorism** and training for the purpose of terrorism⁵.

August 2009



The Act on the prosecution of the preparation of serious violent acts endangering the state, which came into force on 4 August 2009 in Germany, amends several important legal instruments. The amendments include several new sections in the Criminal Code, 89a and b, 91 and 138. The first two new sections, 89a and 89b, concern the preparation of a serious violent act endangering the state and the **initiation of contacts** for the commission of such serious violent act. Imprisonment for section 89a is up to 10 years, section 89b can be punished up to 3 years or a fine. The law shall apply equally if the preparation or initiation or maintenance of contacts is undertaken in a foreign country. If the preparation or (maintenance of) contacts is committed outside of the Member States of the European Union, this shall apply only if it is committed by a German national or a foreign national with the centre of his life inside Germany, or if the serious violent act endangering the state is to be committed inside Germany or by or against a German national⁶.

The judicial response 2008-2009

The case analysis performed on the basis of open sources information has identified a number of court decisions related to recruitment for terrorism in 2008 and 2009. They have already been reported in the present or previous issues of the TCM and are summarised below:

⁴ TE-SAT 2009 EU Terrorism Situation and Trend Report, Europol, <http://www.europol.europa.eu/index.asp?page=publications>.

⁵ *Ibid.*

⁶ EUROJUST's Contribution to the TE-SAT 2010 EU Terrorism Situation and Trend Report.

January 2008

A court in Belgium found 5 men guilty of being part of a Brussels-based terrorist cell that sent ██████████, Al-Qaida's first Western female suicide bomber in Iraq, to die. At trial it emerged that the ringleader of the group had by 2005 developed a web of connections with Al-Qaida and affiliated groups across Europe, the Middle East and Africa. He also wired money to a suspected recruiter for the Zarqawi network in Iraq. The men were sentenced between 2 and 10 years' imprisonment (*for details, please see TCM, Issue 1*). The Appeals Court reduced the sentences of the convicted in June 2008 (*please see below*).

Source: [External News Intranet](#)



The Schleswig-Holstein State Court in Germany found a German man of Moroccan ancestry guilty on six counts of supporting a foreign terrorist organisation and ruled that he also formed a terror group himself. He was sentenced to 5 years and 9 months in prison. The man was accused of helping Al-Qaida in Iraq by raising money and helping to supply fighters for the insurgency there. He was also accused of having helped found a terrorist group in Sudan that aimed to set up a training camp, and of having used an Internet shop in the northern German city of Kiel as a base for communicating with terrorist cells in other countries. During the trial, the defendant acknowledged taking an oath of loyalty to al-Qaida founder ██████████ but said he had no direct contact with his organisation (*for details, please see TCM, Issue 1*).

Source: [External News Intranet](#)

February 2008

The Schleswig-Holstein State Court in Germany convicted a Jordanian man of founding a terrorist organisation and sentenced him to 2 years in prison as part of a plea deal with German prosecutors. The man confessed to allegations that he participated in online discussions about setting up a training camp in Sudan. He had contact with other group members through online chat groups and telephone calls. He had been arrested in Sweden on a warrant from Germany for his alleged involvement in forming the terrorist group. His arrest resulted from a larger investigation centred in Germany. The man was accused of being responsible for handling the group's finances and recruiting new members (*for details, please see TCM, Issue 1*). The group's alleged ringleader was convicted by the same court in January (*please see above*).

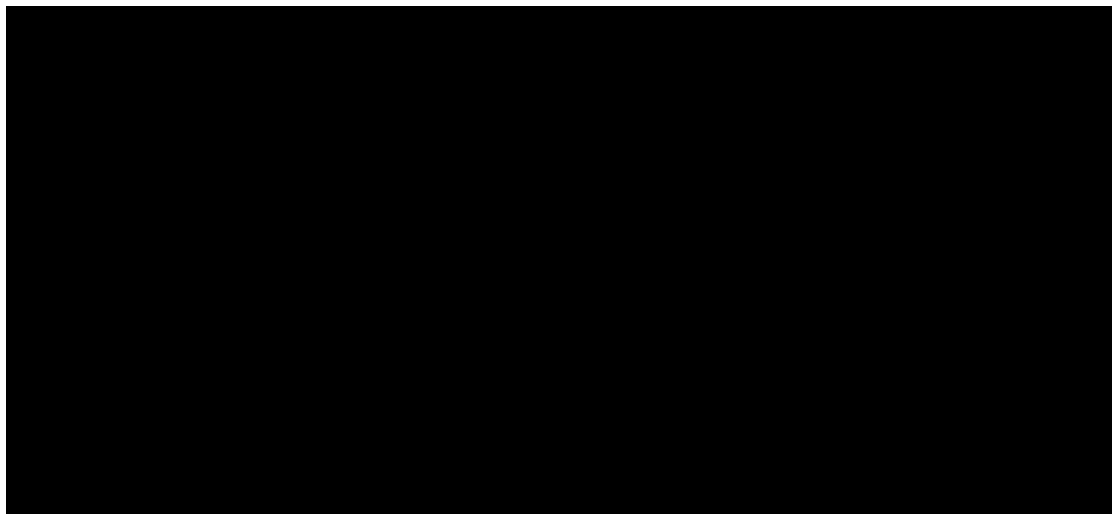
Source: [External News Intranet](#)



The National Court in Spain, in charge of Operation Nova against Islamist terrorism, convicted eighteen defendants of membership of a terrorist organisation and two of collaboration and acquitted ten others. The defendants were accused of planning to attack, with a lorry bomb, the National Court as well as the Santiago Bernabeu soccer stadium, the Supreme Court, the opposition Popular Party headquarters, the Principe Pio train station and the Tierno Galvan park in Madrid. The court considered it unproven that the defendants wanted to attack the National Court, but it has been proven that in 2004 they were forming terrorist cells in various Spanish prisons by

sending letters (*for details, please see TCM, Issue 1*).

Source: [External News Intranet](#)



June 2008



The Appeals Court in Belgium reduced the sentences of three of the five men accused of being part of a Brussels-based terrorist cell that sent ██████████ Al-Qaida's first Western female suicide bomber in Iraq (*please see above*). Two other appellants were acquitted (*for details, see TCM, Issue 2*).

Source: [De Standaard](#), [External News Intranet](#)

May 2008



The Magistrates' Court in Paris, France, convicted seven members of the so-called "19th arrondissement cell" of having formed or participated in a recruitment ring to send jihadists to Iraq. The two ring organisers were sentenced to respectively 6 and 7 years in prison. Three other defendants, one of whom fought in Iraq, were sentenced to 18 months in prison plus an 18-month' suspended sentence. A sixth defendant was found guilty of having supplied false papers to the jihadists and was sentenced to 4 years in prison. Another one was prosecuted for links with numerous Middle East combat networks and was sentenced to 7 years in prison (*for details, please see TCM, Issue 2*).

Source: [External News Intranet](#)

June 2008



A court in Celle, Germany, sentenced an Iraqi man to 3 years in jail for distributing messages by Al-Qaida leaders, including ██████████ and his deputy ██████████ on the Internet. The man was a chatroom administrator and considered himself a distributor of Al-Qaida's messages. German security experts have highlighted the growing importance of the so-called "virtual jihad", saying militant Islamists have turned to Internet chatrooms in their efforts to recruit young followers. The court convicted the man for attracting members or supporters of a foreign terrorist organisation but said that his own membership of a terrorist group had not been proven (*for details, please see TCM, Issue 2*).

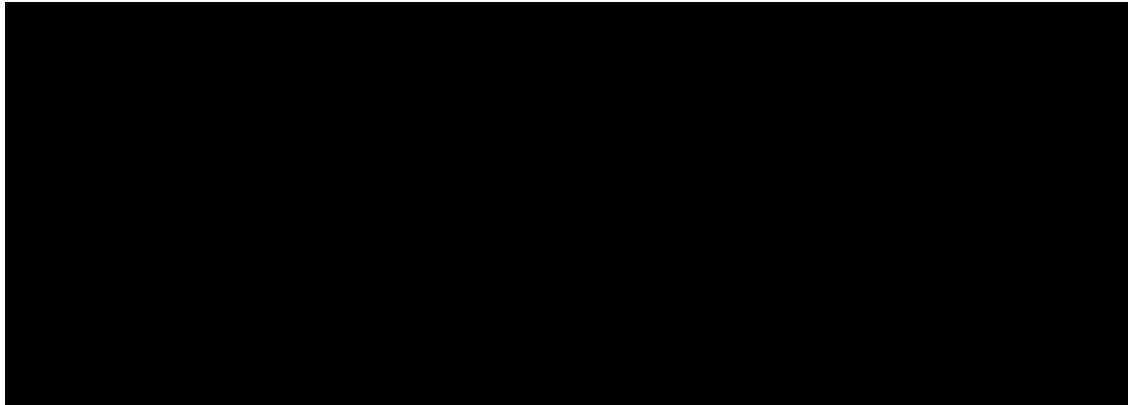
Source: [Reuters](#), [External News Intranet](#)



The Supreme Court in Spain overturned a conviction against a Moroccan man of belonging to a terrorist organisation. He was among 20 radicals sentenced in February to between 5 and 14 years for belonging to an Al-Qaida inspired terrorist cell that recruited Muslims in prison for jihad (*for details, see TCM, Issue 1 and 2 and above*).

Source: [External News Intranet](#)

August 2008



September 2008



The Schleswig-Holstein State Court in Germany convicted a Moroccan man of helping recruit supporters for Al-Qaida and attempting to smuggle them to Iraq to fight. He was sentenced to 4 years in prison for supporting a foreign terrorist organisation and helping found a terrorist cell. The man was arrested in 2007 in Sweden and later turned over to Germany as part of an investigation into a Europe-based group of radicals aiding Al-Qaida. The group's ringleader was convicted in the same court in January of raising money for Al-Qaida in Iraq and supplying fighters for the insurgency. Another member was convicted in February 2009 (*for details, see TCM, Issue 1 and 3, and above*).

Source: [External News Intranet](#)

October 2008



The Appeal Court in The Hague, the Netherlands, ruled that the so-called Piranha network is a criminal organisation with a terrorist objective and sentenced the main suspect to 9 years in prison. He participated in a terrorist organisation in which he had a coordinating role and which plotted terrorist attacks against politicians. He also recruited jihad warriors, the court established. The judges gave an 8-year sentence to another defendant, who was an active and leading member of the network. He is currently serving a 5-year sentence for his activities in the so-called Hofstadgroep. Two other defendants got 4 years and 3 months in prison respectively. In 2006, a Rotterdam district court ruled that the Piranha suspects maintained insufficient structured contact among one another to be able to speak of a criminal organisation with a terrorist objective but the suspects were given various sentences (*for details, please see TCM, Issue 3*).

Source: [Nu.nl](#), [External News Intranet](#) / [External News Intranet](#)

November 2008

The Paris Magistrate's Court in France found four members of a network sending jihad volunteers from Montpellier to Iraq between 2000 and 2005 guilty of "involvement in criminal conspiracy with a view to preparing a terrorist venture". One of the defendants received a 6-year sentence, with 4 years guaranteed to be served, and a 10-year ban on entering France. A large number of papers and a large quantity of chemical substances which could be used to make explosives were found at his home. Another defendant was given a 4-year sentence and a 5-year ban on entering France and a third one received a 3-year sentence and a 5-year ban on entering France. According to the prosecution, both provided the group with "logistic bases". The "mentor" of the group received 2 years' imprisonment (*for details, please see TCM, Issue 3*).

Source: [External News Intranet](#)

December 2008

The Paris Magistrate's Court in France found four men guilty of having participated in "a criminal conspiracy for terrorist purposes" for having been involved in a jihad recruitment ring linked to the Belgian network which got a Belgian woman into Iraq in 2005 with the aim of carrying out a suicide attack. It sentenced one defendant to 6 years' imprisonment, two to 4 years and another to 3 years and banned them from staying in France. A committal order was issued for one other defendant and a warrant for the arrest of one more individual who was absent from the proceedings (*for details, please see TCM, Issue 3*).

Source: [External News Intranet](#)

March 2009

A French court found a Polish-born German Islamic convert and Al-Qaida militant guilty of complicity to kill and of membership of a terrorist group in relation to the plotting of the 2002 suicide bombing of a Tunisian synagogue that left 21 dead. The court sentenced him to 18 years in prison. French and German investigators believed that the man had travelled several times between 1999 and 2001 to the Pakistan-Afghanistan border to meet [REDACTED] and put his expertise in radio and Internet communications at the service of Al-Qaida and helped recruit members in Europe. His Tunisian accomplice, who is the brother of the suicide bomber, was jailed for 12 years for having supplied the attacker with false papers and a satellite telephone to help him carry out the attack. At the beginning of the trial another suspect, the architect of the 11 September 2001 attacks on the United States and alleged Al-Qaida military commander and responsible for all foreign operations, was charged along with the other two but the judges decided to separate his case as he was imprisoned in Guantánamo Bay and could not appear in court. Two other suspects in the attack are to stand trial before a separate Paris court on minor charges of violating immigration rules and possession of fake documents (*for details, please see TCM, Issue 4*).

Source: [AFP](#), [External News Intranet](#)

May 2009

The National Court in Spain convicted four men of terrorism offenses in connection with recruiting suicide attackers for Iraq and acquitted ten others for lack of evidence. The court found two of them guilty of membership in a terrorist organisation and sentenced them to 9 years' imprisonment each. Another one was found guilty of collaborating with a terrorist group and sentenced to 5 years' imprisonment. The fourth man was given 2 years for falsifying documents. According to prosecutors, the fourteen men belonged to a cell that tried to recruit jihad fighters for Iraq. They were also accused of helping several suspects in the 11 March 2004 Madrid bombings to flee Spain. The court said the cell was part of a network, called Tigris, connected with Ansar el Islam, a radical Islamic group linked to Al-Qaida. The court acquitted ten of the defendants because much of the evidence against them came from e-mails that had been intercepted by police without due authorisation by a court judge, and as such was considered invalid (*for details, please see TCM, Issue 5*).

Source: [ABC](#), [External News Intranet](#)

July 2009

The Paris Magistrate's Court in France convicted eight individuals for having set up a network to recruit and send volunteers for jihad in Iraq. Two of them were arrested in Syria in December 2006 as they were attempting to enter Iraq to fight the international coalition. In February 2007 they were returned to France and were arrested when stepping off the plane. The court found the two men guilty of criminal conspiracy for terrorist purposes and sentenced each of them to 5 years, one of them suspended, with 3 years' probation. Their co-defendants, one Moroccan and five French converts to Islam, were convicted of having supplied them logistic or financial support and were sentenced to between 6 years' and 6 months' imprisonment (*for details, please see TCM, Issue 5*).

Source: [La Depeche](#), [External News Intranet](#)



A state court in Koblenz, Germany, convicted a man of membership in Al-Qaida and sentenced him to 8 years in prison for his active support of the terrorist group. In addition to the terrorism charges, he was also convicted of eight counts of violating German export laws. According to the judge, the man had contacts with high-ranking figures in Pakistan that dated back to November 2003 and he subsequently supplied the group with some €80,000 in cash, along with equipment such as binoculars, night-vision goggles, laser range-finders and radios. In 2006 he participated in fighting against U.S. forces in Afghanistan. The court also found that he recruited four people to undergo military training. The man was arrested in Pakistan in 2007 and held in custody there for 2 months before his return to Germany. The convict's lawyer said he reserved the right to appeal the verdict (*for details, please see TCM, Issue 5*).

Source: [External News Intranet](#)

October 2009

The Court of Assizes of Perugia, Italy, found a former imam of the mosque of Ponte Felchino guilty of recruiting and training militant jihadists willing to commit acts of terrorism. He was sentenced to 6 years' imprisonment. According to the information, the mosque of Ponte Felcino, a village on the outskirts of Perugia, had become the basis of the "League of Arab immigrants and Muslims". The Court sentenced also two other defendants to 4 and 3,5 years in prison respectively (*for details, please see above II. Terrorism Convictions Overview 1. Terrorism Convictions/Acquittals by Member State September-December 2009*).

Source: [Il Giornale](#), [External News Intranet](#)

III. Legal Update

1. EU



October 2009

Commission Regulation (EC) No 937/2009 of 7 October 2009 amending for the 113th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with [REDACTED] the Al-Qaida network and the Taliban.

Source: [Official Journal of the EU](#)

Commission Regulation (EC) No 954/2009 of 13 October 2009 amending for the 114th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with [REDACTED], the Al-Qaida network and the Taliban.

Source: [Official Journal of the EU](#)

Commission Regulation (EC) No 1033/2009 of 28 October 2009 amending for the 115th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with [REDACTED], the Al-Qaida network and the Taliban.

Source: [Official Journal of the EU](#)

November 2009

Commission Regulation (EC) No 1102/2009 of 16 November 2009 amending for the 116th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with [REDACTED] the Al-Qaida network and the Taliban.

Source: [Official Journal of the EU](#)

December 2009

Commission Regulation (EC) No 1220/2009 of 14 December 2009 amending for the 117th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with [REDACTED], the Al-Qaida network and the Taliban.

Source: [Official Journal of the EU](#)

2. EU Member States Overview



Slovak Republic

December 2009

In a second amendment to the criminal law passed by the Slovak parliament in 2009 terrorism funding is envisaged to be punished up to life imprisonment. Judges and prosecutors will be able to confiscate money from criminal activities, including terrorism, or destined for its funding. The amendments to the criminal law and penal code are yet to be signed by the President. These amendments put Slovak legislation in harmony with that of the European Union.

Source: [External News Intranet](#).

IV. The Way Ahead

With a view to a more structured approach to the preparation of EUROJUST's contribution to the TE-SAT 2011, the CMT has been following the current developments in several trials where convictions are expected within the next few months. They include *inter alia*:

**ES**

A trial against seven suspected Islamic militants for allegedly helping some perpetrators of the Madrid train bombings in 2004 to flee Spain after the attacks; a trial against eleven suspected Islamic militants who allegedly planned to attack Barcelona's metro in 2008 with suicide bombers and a trial against ten Batasuna officials, including a party leader, on suspicion they were forming a new group under the instructions of ETA.

**LT**

A trial against an Irishman, alleged member of an Irish Republican Army splinter group, accused of seeking arms in Lithuania for militants in Northern Ireland.

**NO**

A trial against a Somali-born Norwegian citizen, the first person to be charged under the 2002 terror financing law, accused of funding a Somali militant group.

Any further developments, resulting in convictions in the above-mentioned or any other trials, will be presented in the next edition(s) of the Terrorism Convictions Monitor.

V. Judicial Analysis on Selected Cases

Foreword

The present analytical chapter has been produced in an attempt to provide a different insight on terrorist judgments throughout the EU area. It is intended to help practitioners and offer relevant case studies and comparative analyses.

The judgments to be analysed have been purposefully selected. In order to ensure a unified approach to the analysis, it has been conducted following a special methodology. The main categories analysed in a 1st instance judgment include: brief description of the facts, peculiarities in the investigation phase, the offences accused, the offences convicted, the sentence handed down, etc. In case of an appeal judgment, the grounds for appeal are also studied as well as the decision of the appeal judges on the charges and sentences.

The analysis of judgments could identify several lines of comparison. They include, for example: brought charges vs. convicted offences (within a judgment), 1st instance judgment vs. appeal judgment (within the same case), judgments of different accomplices in the terrorist enterprise/organisation brought to trial together and judgments for relatively comparable criminal offences in different trials (within 2 or more judgments).

The latter line of comparison is of a particular interest from an analytical point of view in order to identify similarities and differences in the Member States. The deliberate selection of judgments for similar offences will help shed some light on the respective type of terrorist phenomenon as well as the outcome of criminal proceedings/trials in one or more EU Member States. In order to ensure relativity and comparability, judgments from one and the same instance should be selected for comparison e.g. 1st instance judgments should be compared with 1st instance judgments, appeal judgments with appeal judgments, etc.

Introduction

In the present analysis two judgments, one from France⁷ and one from the United Kingdom, have been selected. A detailed analysis of the two judgments, including, inter alia, the prosecuted acts, the convicted offences and the sentences handed down, follows below. The judgments have been selected due to their significance and by exception, due to their nature, no comparison will be made.

⁷ The judgment has been announced at a public hearing at the French court and is not final. The CMT would like to express its gratitude to the French National Member and the French Desk at EUROJUST for kindly providing the text of the judgment and authorising its inclusion in the present analysis.

1) Judgment 1 – France

I. Background information

The arrests: The judicial enquiry was initiated in July 2006 when police officers took interest in the LTTE organisation, for having set up a network of money extortion involving Tamils. The first 14 LTTE cadres were arrested on 1 April 2007 and others were apprehended nearly six months later, in total 21 individuals. They operated under cover of the CCTF association in Paris. This association was established in 1987, as an organisation purported to “preserve and spread cultural, sociological links and preservation of Tamil customs and beliefs in France, welcoming and support of Tamils living in France, promotion through cultural and sports clubs.”

The charges: The charges against most of the accused included “participation in a formed group or established agreement set up for the preparation of terrorist acts as stated in Article 421-1 of the French Penal code. Financing a terrorist enterprise by supplying, gathering, collecting funds, assets and goods or giving advice intended to be used in all or in part for terrorist actions. Raising of funds for the benefit of a terrorist organisation and obtaining funds through violence, under duress and threat. Further charges were that the group was under the direct orders of the head of the French branch of the LTTE (CCTF), [REDACTED] alias [REDACTED] for acts of violence against those opposed to the LTTE.

In sum, the investigations showed that Tamil diaspora was subject to imposed money collection.

II. Trial

Court: The investigating judge referred the case on 29 May 2009 to the Tribunal de Grande Instance at Paris.

Duration of trial: 9 trial days in October 2009

Date of decision: 23 November 2009

Defence case: The defence attempted to nullify the charges on the basis that the LTTE was not illegal in Sri Lanka when the accused were arrested, stating that Sri Lanka banned the LTTE only in January 2009, and that therefore the ‘terrorist’ charge is null and void. Their main point of argument was that the Sri Lankan Government had granted legal status to the LTTE by signing the pact in February 2007. The collection of funds took place during the period of this Agreement, hence there could be no terrorism charges.

Furthermore, while accepting the role the defendants played within the CCTF as a sports and cultural association, the defence denied their membership of the LTTE. However, they did not deny that they supported the LTTE cause as ‘all Tamil people did’. They also admitted that money was collected ‘to help the Tamil people’ and acknowledged that funds were sent to the LTTE administration. However they all denied any knowledge of the purpose for which the money was used, stating that the LTTE ran a separate administrative structure with schools, hospitals, etc and they did not question the purpose for which the money was used.

Prosecutors’ case: The French prosecutors demanded 7 year prison terms for the defendants accused on charges of extortion, ransom collection under duress and threat, money laundering and funding a terrorist organisation. In the view of the prosecutor, there were numerous instances where the terrorist nature of the LTTE was evident. Those included crimes against international law, suicide

attacks against civilians and political personalities and coercion, intimidation and violence for fund collection during the period in which the SLG-LTTE Agreement was in force, and “therefore the terrorist charge was absolutely appropriate”. It was also reminded that when the accused were arrested the LTTE was a banned terrorist organisation by the European Union. The prosecutor brought evidence on the organisational structure of the CCTF, consisting of 1 President, 1 vice-President, 1 treasurer, 1 deputy treasurer and 2 secretaries. Investigations further proved that the president was only a collector on the city of Chelles and that directors changed often. Some of the defendants present in this Court were themselves president or member of the committee. The association holds two bank accounts. The prosecutors have submitted many documents and transcripts of telephone conversations to prove their links with LTTE and sufficient evidence to prove that the defendants were directly involved in fund raising for a banned terrorist organisation and they had resorted to violence against the Tamil civilians who had refused to pay.

The sentences: On 23 November, the court imposed a 7 years’ sentence to the official of the Liberation Tigers of Tamil Eelam in France (LTTE), [REDACTED] for extorting €5 million as taxes from the Tamil community living in Paris and other surrounding areas in order to finance the LTTE terrorist activities in Sri Lanka. Two of the other defendants were sentenced to 4 years’ imprisonment and one to 6 years. The other sentences ranged between 3,5 years’ imprisonment and 6 months suspended. One person was acquitted. The court ordered also the dissolution of the **Tamil Coordinating Committee in France** (CCTF), viewed as the “legal arm” of the LTTE.

The verdict of the TGI has been appealed by the defence.

2) Judgment 2 – the United Kingdom

I. Background information

The arrests: In August 2006 a group of people, suspected to have aimed to smuggle explosives onto aeroplanes in hand luggage and to detonate these in flight, were arrested London, Thames Valley and Birmingham. The arrests were the culmination of a major covert counter-terrorist operation, Operation Overt, which lasted several months. According to the police statement, “this was a plan by terrorists to cause untold death and destruction and commit mass murder”. The police believed that the intended targets were flights from the UK to the USA⁸. The arrests prompted wide restrictions on hand luggage taken onto aircraft.

The charges: Shortly following the arrests, the prosecution brought charges. They included⁹:

- Against defendants 1, 2, 3, 4, 5, 6, 7, 8, 12, 13, 14 and 15: conspiracy with other persons to murder other persons contrary to Section 1 (1) of the Criminal Law Act 1977, and with the intention of committing acts of terrorism engage in conduct to give effect to their intention to smuggle the component parts of improvised explosive devices onto aircraft and assemble and detonate them on board contrary to Section 5 (1) of the Terrorism Act 2006.
- Against defendant 9: possession of a document or record, namely a book on improvised explosives devices, some suicide notes and wills with the identities of persons prepared to

⁸ Metropolitan Police, Bulletin 0000000466, 10 August 2006, http://cms.met.police.uk/news/major_operational_announcements/anti_terrorist_operation.

⁹ Crown Prosecution Service, Press release, 21 August 2006, http://www.cps.gov.uk/news/press_releases/149_06/ and Metropolitan Police, Bulletin 0000000477, 30 August 2006, <http://cms.met.police.uk/met/layout/set/print/content/view/full/5411>.

commit acts of terrorism and a map of Afghanistan containing information likely to be useful to a person committing or preparing an act of terrorism contrary to Section 58 (1) (b) of the Terrorism Act 2000.

- Against defendants 10 and 11: having had information which (s)he knew or believed might be of material assistance in preventing the commission of another person of an act of terrorism and failed to disclose it as soon as reasonably practicable contrary to Section 38B (1) (a) and (2) of the Terrorism Act 2000.

II. 1st trial (3 April 2008 – 8 September 2008)

Court: Woolwich Crown Court

Duration of trial: 5 months

Date of decision: 8 September 2008

Outcome: The first trial at the Woolwich Crown Court began on 3 April 2008 against defendants 1, 2, 3, 4, 5, 7, 8 and 13. On 8 September 2008 the jury announced its decision and found defendants 1, 2 and 5 guilty of conspiracy to murder people unknown. It could not however decide whether the plans of the defendants extended to detonating the devices on planes. Defendant 13 was acquitted. The jury was unable to decide on a verdict in respect of the other charges and defendants.

On 10 September 2008 the Crown Prosecution Service announced its decision to apply for a retrial.

III. 2nd trial (2 March 2009 – 7 September 2009)

Court: Woolwich Crown Court

Duration of trial: 6 months

Date of decision: 7 September 2009

The evidence: The second trial at the Woolwich Crown Court began on 2 March 2009. Defendants 1, 2, 3, 4, 5, 7, 8 and 15 were brought to trial. The jury heard that at the time of his arrest the ring leader, defendant 1, had identified 7 US and Canada-bound flights to blow up over the Atlantic within a 2.5-hour period. The flights included destinations like San Francisco, Washington, New York, Chicago, Toronto and Montreal. The defendants had put together a special home-made mixture of chemicals that they had planned to take onto planes in ordinary sports drinks bottles stored within hand luggage¹⁰. The evidence against the defendants included:

- 26,000 exhibits;
- 9,710 statements;
- 142 interviews with the defendants;
- 800 electronic devices seized (laptops, PCs, USBs, and external hard drives), 226 from internet cafes;
- 14,000GB of data examined by the police, including 15,000 CDs and DVDs and 500 floppy disks¹¹.

The tape of the hidden camera installed by the security services in the “bomb factory” showed defendants 1 and 2 preparing devices and making arrangements for the jihadist suicide videos, recorded in the same property¹².

¹⁰ *Three guilty of airline bomb plot*, BBC News, http://news.bbc.co.uk/2/hi/uk_news/8242238.stm.

¹¹ Crown Prosecution Service, Press release, 7 September 2009, http://www.cps.gov.uk/news/press_releases/aircraft_bomb_plot/.

¹² *Three guilty of airline bomb plot*, BBC News, http://news.bbc.co.uk/2/hi/uk_news/8242238.stm.

According to the defence of defendants 1, 2 and 5, they had intended merely to set off small explosions in order to bring attention to their cause and their videos were intended to be used as part of a documentary against Western injustices¹³.

The verdicts: The jury announced the following verdicts against the defendants:

Defendants 1, 2 and 5: guilty of conspiracy to murder using explosives on aircraft (the jury at the 1st trial reached no verdict on this charge. The three defendants were then found guilty only of conspiracy to murder people unknown).

Defendants 4, 7 and 8: hung verdicts on the charge of conspiracy to murder people unknown; not guilty of conspiracy to murder using explosives on aircraft.

Defendant 15: not guilty of both charges¹⁴.

On 11 September 2009 the Crown Prosecution Service announced its decision to seek retrial of defendants 4, 7 and 8 on the charge of conspiracy to murder people unknown after the jury was unable to reach verdicts on them¹⁵.

The sentences: The sentencing of the convicted took place on 14 September 2009. At the sentencing the plot was described as "the most grave and wicked conspiracy ever proven within this jurisdiction", that had "reached an advanced stage in its development". "Had this conspiracy not been interrupted, a massive loss of life would almost certainly have resulted - and if the detonation was over land, the number of victims would have been even greater still"¹⁶. The following sentences were handed down:

Defendant 1: life sentence, with minimum 40 years to be served.

Defendant 2: life sentence, with minimum 32 years to be served.

Defendant 3: life sentence, with minimum 22 years to be served.

Defendant 5: life sentence, with minimum 36 years to be served.

* * *

In a **related trial** later in the year defendants 6, 12 and 14 were brought to court. On 10 December 2009 defendant 6 was found guilty of conspiracy to murder people unknown and was sentenced to life imprisonment with minimum 18 years to be served. Defendant 12 was convicted of engaging in conduct in preparation to commit acts of terrorism, or assisting another to commit such acts and sentenced to 12 years in prison. Defendant 14 was found guilty of possessing records containing information likely to be useful to a person committing or preparing an act of terrorism and sentenced to 15 months. He was given an additional 5 years and 9 months after pleading guilty to possession of a firearm at a separate hearing¹⁷.

The trial against defendant 10 continues.

¹³ Crown Prosecution Service, Press release, 7 September 2009, http://www.cps.gov.uk/news/press_releases/aircraft_bomb_plot/.

¹⁴ *Ibid*, also *Three guilty of airline bomb plot*, BBC News, http://news.bbc.co.uk/2/hi/uk_news/8242238.stm.

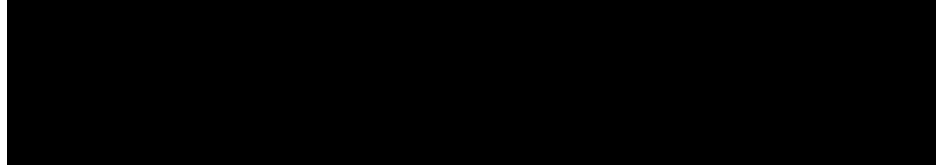
¹⁵ Crown Prosecution Service, Press release, 11 September 2009, http://www.cps.gov.uk/news/press_releases/142_09/.

¹⁶ Metropolitan Police, Bulletin 0000001443, 14 September 2009, http://cms.met.police.uk/news/convictions/airline_bomb_plotters_jailed_for_life.

¹⁷ Metropolitan Police, Bulletin 0000001565, 09 December 2009, http://cms.met.police.uk/met/news/convictions/airline_bomb_plotter_jailed_for_life.

Appendix: Contact and Analysis Team

Contact



Analysis Team

